

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK COOPER HARRIS, III,)	
)	
Petitioner,)	
v.)	Civil Action No. 21-331
)	
THE ATTORNEY GENERAL OF THE)	
UNITED STATES,)	
)	
Respondent.)	

MEMORANDUM ORDER

Frederick Cooper Harris, III (Petitioner) has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The case was referred to Magistrate Judge Maureen P. Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D. Magistrate Judge Kelly issued a Report and Recommendation filed October 26, 2021, recommending that Petitioner's action be dismissed without prejudice for failure to prosecute and that a certificate of appealability be denied. ECF No. 8. Petitioner was informed that in accordance with 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, and that objections to the Report and Recommendation were due by November 12, 2021. Petitioner has not filed Objections.

After de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of November, 2021,

IT IS ORDERED that the Report and Recommendation, ECF No. 8, filed on October 26, 2021, by Magistrate Judge Kelly, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that this case is dismissed without prejudice for failure to prosecute.

A certificate of appealability is DENIED, as jurists of reason would not disagree with the analysis of the Report.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the petitioner desires to appeal from this Order he must do so within thirty days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

cc: Frederick Cooper Harris, III, pro se
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